IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE GODA RAGHURAM

WRIT PETITION NO. 12066 OF 2007

DATED : JUNE 12, 2007

Between:

Allada Venkata Sesha Anitha

Petitioner

AND

The Government of Andhra Pradesh,
Rep. By its Principal Secretary,
Secretariat Building, Hyderabad and others

Respondents

THE HON'BLE MR. JUSTICE GODA RAGHURAM

WRIT PETITION NO. 12066 OF 2007

ORAL ORDER:

The petitioner claims ownership of land in RS No. 316/1 and 318 of Dorasanipadu village, Dwarakathirumala Mandal, West Godavari District. These properties are

proposed for acquisition for development of Sri Venkateswara Temple. Notification under Sec. 4(1) of the Land Acquisition, 1894 (for brevity the Act) was issued. In the said notification, the petitioner's name does not figure despite a decree in her favour in OS No.13 of 1998 dated 28.04.2000 of the II Additional District Judge, West Godavari. Against this decree, the defendants in the suit are said to have preferred AS No. 2155 of 2000 before this court, which is pending.

The land to an extent of Ac.8.20 cents in RS No. 316/1 and Ac.2.83 cents in RS No. 318, in all Ac.11.03 cents is included for acquisition under the notification aforementioned. Since the petitioner's name is not included in the notification and apparently since urgency is not invoked and the enquiry under Sec. 5-A of the Act is not dispensed with, the petitioner is aggrieved that her right to object to the acquisition is not effectuated. She has, therefore, filed the writ petition.

Heard the learned counsel for the petitoner, the learned Government Pleader for Land Acquisition, for the respondents 1 to 3 and Sri VTM Prasad, for the 4th respondent.

The Writ Petition is disposed in the circumstances,

at the stage of admission, directing the second respondent to consider the objections stated to have been lodged by the petitoner to the acquisition of the land in question in RS No. 316/1 and RS No. 318 of Dorasanipadu village, Dwarakathirumala Mandal, West Godavari District. The decision taken under Sec. 5-A of the Act, after considering the objections, if any, lodged by the petitioner, shall be communicated to the petitoner before proceeding further with the acquisition.

The writ petition is disposed of at the stage of admission. No order as to costs.

JUSTICE GODA RAGHURAM

JUNE 12, 2007
MAS